

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3091 of 1982

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SUDHIRBHAI G PRAJAPATI & ORS.

Versus

AHMEDABAD MUNICIPAL CORPN. & ORS.

Appearance:

MR GIRISH PATEL for Petitioners

MR SM MAZGAONKAR for MR SN SHELAT for Respondents

No.1 to 3

None present for Respondent No.4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 02/07/96

ORAL JUDGMENT

The only grievance made by the counsel for the petitioners in this writ petition is that the respondent No.1-Corporation has not provided any channel of promotion whatsoever to the holder of the post of Library Attendants. The post of Library Attendant may have been treated to be a technical post but channel of promotion should have been provided, as contended by the counsel for petitioners to the posts of General Cadre as it is an isolated category.

2. Relying upon three decisions, namely (i) in the case of Raghunath Prasad Singh v. Secretary, Home (Police) Department, Government of Bihar & Ors., reported in AIR 1988 SC 1033, (ii) in the case of Council of Scientific and Industrial Research and anr. v. K.G.S. Bhatt and anr., reported in AIR 1989 SC 1972, and (iii) in the case of Dr. Ms. O.Z. Hussain v. Union of India and ors., reported in AIR 1990 SC 311, and making a reference to the Government's Resolution providing thereunder the benefit of higher pay-scale of the post in the regular channel of promotion on completion of 9 years, 18 years and 27 years of service, the learned counsel for the petitioners contended that for the purpose of maintaining efficiency and the interest in the service, atleast the category of employees to which the petitioners belong, should have been given either the promotions or the benefit of nature as it has been given to the Government Employees on completion of 9 years, 18 years, and 27 years of service.

3. The counsel for the respondents No. 1 to 3 does not dispute the position that no channel of promotion has been provided for the category of Library Attendant in the Corporation. He contended that the petitioners can have a chance of competing with other employees for the post by way of open selection, in case they are eligible. So far the Government Resolution is concerned, the counsel for the respondent contended that it has not been adopted by the Corporation.

4. Instead of going into the merits of the matter, I consider it to be a fit case where interest of justice would be met with in case this Special Civil Application is disposed of with directions that the petitioners may make a representation in respect of their grievance made in this Special Civil Application, giving out therein the details of Resolution of the Government under which the benefits of higher pay-scale of the post in regular channel of promotion has been given to the Government employees on completion of 9 years, 18 years and 27 years

of service and also to send alongwith the representation, the zerox copy of three Supreme Court decisions, reference of which has been made above. In case such a representation is made by the petitioners, the respondent No.1 shall decide the same within a period of two months from the date of receipt thereof. In case the grievances of the petitioners are not acceptable, then the the respondent No.1-Corporation, shall pass a speaking order and a copy of the same may be sent to the petitioners by a Registered Post. It is further made clear that the petitioners have approached this Court for their grievances on 15th July, 1982 and as such, in case the grievances of the petitioners are acceptable to the respondents, then the respondent No.1-Corporation shall consider their cases also for deemed promotion or deemed benefits of the higher pay-scale, as the case may be from appropriate date.

This Special Civil Application is disposed of in the aforesaid terms. Rule is hereby disposed of in the aforesaid terms.

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(sunil)